

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M No.56678 of 2023 (O&M)
DATE OF DECISION: 09th NOVEMBER, 2023

Bhagat Singh

.... **Petitioner**

Versus

State of Haryana

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.258 dated 11.09.2023 registered under Sections 148, 149, 323, 341, 506 IPC (Section 326 IPC added later on) at Police Station Hassanpur, District Palwal.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the case of the prosecution, the petitioner is not attributed any specific injury. Moreover, the parties have history of inter-se civil disputes regarding the land which already stands registered in the name of wife of the petitioner. Despite the petitioner being lawful owner, the complainant has been continuously creating problems for the petitioner in peaceful enjoyment of the property. Accordingly, the wife of the petitioner was forced to file civil

suit. Even, the civil litigation has not deterred the complainant from interfering with the rights of the petitioner. In any case, the petitioner is ready to join the investigation; as and when called by the Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. Mr. Krishan K.Chahal, Addl. Advocate General, Haryana, accepts notice on behalf of the State and Mr. Rahul Vats, Advocate puts in appearance on behalf of the complainant.

5. Learned State Counsel, being instructed by SI Shiv Charan and being assisted by learned counsel for the complainant, has submitted that the petitioner has caused grievous injury on the right leg of the son of complainant. Therefore, the petitioner cannot assert that he is not involved in the case. Still further, it is submitted that there are several other cases against the petitioner. The investigation is at initial stage. The police are to unearth the true dimensions of the involvement of the petitioner in the crime, therefore, his custodial interrogation is required in this case. Hence, the petitioner does not deserve to be protected against his arrest. However, it is not disputed by learned State counsel, as well as, learned counsel for the complainant that as per the FIR, the injury is not specifically attributed to the petitioner. It is also not disputed that there has been civil litigation between the parties regarding the land, which otherwise stands registered in the name of wife of the petitioner.

6. In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in

case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

09th NOVEMBER, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>